

**Scituate Board of Health Meeting**  
**August 15, 2016**  
**Scituate Town Hall – Selectman’s Hearing Room**  
**6:00pm**

**MEMBERS PRESENT:** Mr. Steven Pansey, Chairman  
Mr. Douglas Whyte, BOH Member

**OTHERS PRESENT:** Ms. Jennifer Keefe, Director, Public Health  
Ms. Susan Tice, Health Department

**Mr. Pansey opened the meeting at 6:00 PM**

**Acceptance of the Agenda**

**Mr. Whyte made a motion to accept the agenda for August 15, 2016. All in favor.  
Unanimous vote (2-0)**

**Scheduled Items:**

**Discuss/Vote: Title 5 Variance Request, 362-366 Gannett Road**

Mr. Harvey Gates, Owner  
Residence: 28 Longmeadow Road

Mr. Pansey asked Mr. Gates to explain why he was requesting a variance for 362-366 Gannett Road. Mr. Gates gave the Board members and Ms. Keefe a handout and explained that the property is served by a septic system with a very small leaching field. The system required an emergency repair completed two years ago by P. F. Spencer. Mr. Gates referred to page eleven of his handout, which showed Mr. Greg Morse’s repair design plan. Mr. Gates said he understood that MassDEP requires a Title 5 inspection when there is a change of use of space. Mr. Gates indicated that Mr. Spencer has maintained and pumped the septic system at this address so he spoke with him regarding a Title 5 inspection. Mr. Spencer indicated that the system at 362-366 Gannett Road likely would not pass the inspection, which is why he was at this meeting requesting a variance. He said that the wine store would be leaving his building in October. He has an interested retail tenant that currently has a location in Marshfield and would like to open a second store. Mr. Gates referred to page nine of his document to show that Stillwater Wine has been using two thirds of the building and that only one third of that space would change from office space, which was previously occupied by an attorney’s office, to retail space. The proposed clothing retailer would occupy the space currently occupied by Stillwater and previously occupied by the attorney’s office. Mr. Pansey asked how often the system needed pumping. Mr. Gates said it has been pumped once each year. Ms. Keefe asked about the apartments above the rental space. Mr. Gates explained that they have a single tenant in each of the two apartments and that the current septic system also serves the ABC Reading Adventure. He said he is requesting a variance because he is unable to rent the office space. He said there is too much office space available in North Scituate and does not feel that the change to retail space

would impact the system. Mr. Gates said he felt that it would actually impact the system less by decreasing the average flow. Ms. Keefe asked Mr. Gates whether he knew the septic system's design flow. Mr. Gates said he did not. Ms. Keefe voiced her concerns about whether the system could function with potential increase in flow of the apartments were fully occupied. Mr. Pansey said that even if the use of the system was reduced, it still would not pass a Title 5 inspection. Mr. Pansey explained to Mr. Gates that he would most likely have to install a tight tank and Mr. Gates said that a tight tank would be cost prohibitive. Ms. Keefe said she has the water records from the time the repair was done and the water use was anywhere between 7,000 to 19,000 gallons per quarter. Ms. Keefe said that would not likely frequent pumping, which would help defray the cost. Ms. Keefe told Mr. Gates that there are two requirements for this Board to grant a variance. The first is to prove that it would be manifestly unjust to not grant the variance, thus preventing any future use of the property, the second is that public health and environment would be equally protected if the variance was granted. Ms. Keefe asked Mr. Gates how he could prove that health and safety are protected when he believed the existing septic system would not pass a Title 5 inspection. Mr. Pansey said he was conflicted about the decision for a variance for this septic system. He indicated to Mr. Gates that Ms. Keefe must ensure that septic systems are compliant with Title 5, but understood his situation and is requesting a continuance until the next BOH meeting in order to gather additional information.

**New Business:**

Ms. Keefe said she was pleased to announce that the Scituate Health Department would be hosting the Dana Farber Mammography Van again on September 8, 2016. Screening mammograms will be performed by Dana-Farber mammography technologists and read by board-certified radiologists. The van offers both convenience and outstanding service. It possesses a valid license and certificate of inspection issued by the Massachusetts Department of Public Health. Exams are billed to patient insurance. If you would like to schedule an appointment, or if you have questions about medical eligibility, please call Dana Farber Mammography Van office at 617-632-1974. If you have any additional questions, please contact Eileen Scotti, RN, Scituate's Public Health Nurse, at 781-545-8706. Mr. Pansey asked Ms. Keefe if there were any appointments still available. Ms. Keefe said that it was not yet filled up. She explained that this past spring we had 13 appointments and we are hoping we have the same response this time. She said speaking from her own experience, making an appointment was very easy.

**Other Business:**

**Administrative Invoice Approvals:**

**Mr. Whyte made a motion to adjourn the meeting at 6:37 pm**

**All in favor unanimous (2-0)**

**List of Documents for August 29, 2016 Board of Health Meeting:**

- Agenda
- Mr. Gates Request for Variance

- Septic Repair Plan, Morse Engineering
- Notice to Abutters
- List of Abutters
- Copy of Certified Mail Receipts
- Q3 Scituate Water Bill for 362-366 Gannett Road
- Executive Action Requests
- Correspondence from Ms. Keefe notifying Mr. Gates about his requested presence at the August 15, 2016 BOH Meeting
- Press Release regarding the Dana Farber Mammography Van